

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Gregory J. HINKLE *et al.*

Appl. No.: 09/938,294

Filed: August 24, 2001

For: Novel Plant Transcribed Regions and Uses Thereof



Confirmation No.: 1056

Art Unit: 1638

Examiner: Phuong T. BUI

Atty. Docket: 16517.253

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed December 31, 2003, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. R. Marsh".

David R. Marsh (Reg. Atty. No. 41,408)
Holly Logue Prutz (Reg. Atty. No. 47,755)
Thomas E. Holsten (Reg. Agent No. 46,098)

04/01/2004 EAREGAY1 00000034 502387 09938294
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Date: March 31, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Art Unit: 1638
Examiner: P.T. Bui
Conf. No.: 1056

Re: U.S. Patent Application Serial No. 09/938,294 filed August 24, 2001
Inventors: Gregory J. HINKLE *et al.*
Title: Novel Plant Transcribed Regions and Uses Thereof
Atty. Docket: 16517.253

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

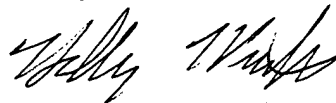
1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$330.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.253. A duplicate copy of this letter is enclosed.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.253. A duplicate copy of this letter is enclosed.

Sincerely,



David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

Enclosures